IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO.323 OF 2006
IN
SUMMONS FOR JUDGEMENT NO.776 OF 2004
IN
SUMMARY SUIT NO.2396 OF 2004

Sharda Paper Products Pvt.Ltd. ....Appellant
V/s.
Goyal Starch Paper Products Pvt.Ltd. ....Respondent

Mr.Nikhil Mehta i/b KMC Legal Venture for the Appellant.
Mr.H.V. Chande for the Respondent.

CORAM : DR.S. RADHAKRISHNAN &
S.J. VAZIFDAR, JJ.
DATED : 19TH JULY, 2006.

P.C. :

1. Heard the learned counsel for the Appellant and the learned counsel for the Respondent.

2. By this Appeal, the Appellant is challenging the judgment and decree dated 22.2.2006 whereby the learned Single Judge had decreed the suit on the ground that the Appellant had failed to comply with the conditional order of deposit dated 27.9.2005. The Appellant was directed to deposit a sum of Rs.1,12,515/- as a conditional order whereupon the Appellant was granted leave to defend the Summary Suit. It appears that the Appellant had failed to deposit the

said amount and the Respondent had moved the Court for obtaining a decree. Accordingly the aforesaid decree has been passed. It is vital to note that the order dated 27.9.2005 whereby conditional leave was granted, has not been challenged at all. Even otherwise, we have perused the record and as far as the first invoice is concerned, there is no complaint whatsoever and the learned counsel for the Appellant concedes the same. And as far as the second invoice is concerned, even after the letters had been written, the goods have not been returned at all to the Respondent. Hence, we do not find any illegality or any error in the impugned judgment and decree.

3. The Appeal stands dismissed. The Respondent is entitled to withdraw the amount deposited in this Court towards the satisfaction of the decree.

(DR.S. RADHAKRISHNAN, J.)

S.J. VAZIFDAR, J.)